

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JORGE VARGAS** on behalf of himself )  
and all other plaintiffs known and )  
unknown, ) **No. 08 CV 1331**  
 )  
Plaintiff ) Honorable Judge Grady  
 )  
v. ) Magistrate Judge Mason  
 )  
**BAGEL COUNTRY, LLC** )  
 ) **JURY DEMAND**  
Defendant )

**NOTICE OF LAWSUIT ALLEGING VIOLATION OF WAGE AND HOUR  
REQUIREMENTS OF FAIR LABOR STANDARDS ACT**

The purpose of this notice is to advise you that a lawsuit has been filed against **BAGEL COUNTRY, LLC**, (hereinafter referred to as “Defendant”) by a former hourly employee. The lawsuit alleges that Defendant has violated Federal law which requires employees such as the named Plaintiff to be paid as hourly employees at a premium rate of one and one-half times for hours worked over forty (40) in a workweek (commonly known as overtime). The lawsuit seeks back wages and other penalties. Defendant denies Plaintiff’s allegations. Nothing in this Notice should be viewed as an admission of wrongdoing. This notice advises you of your right to decide whether or not to join this lawsuit.

## YOUR RIGHT TO JOIN THIS LAWSUIT AS PART OF THE PLAINTIFF CLASS

If you are, or within the last three years were, an hourly employee and you have worked hours in any workweek in excess of 40 for the Defendant (including work performed off the clock before or after your scheduled shift or during any unpaid meal period) without pay for that work, or have not received one and one-half times your regular rate of pay for any hours over 40, Defendant may owe you back compensation. You have a right to make your claim as part of this lawsuit. To do that, you must send written notice indicating that you wish to be a Plaintiff. A "Notice of Consent" form (the yellow form) is enclosed for that purpose.

It is entirely your own decision whether or not to join this lawsuit.

**COMPENSATION  
ISSUES TO BE RESOLVED**

Plaintiff alleges that Defendant has required employees to work over 40 hours in a workweek, (including work performed off the clock before or after the scheduled shift or during any unpaid meal period) without pay for that work time. Plaintiff further alleges that Defendant has failed to pay hourly employees at one and one-half times their regular hourly rate for those and other hours worked over 40 in a week. Defendant denies the allegations.

If Plaintiff and other employees are found to be eligible for back wages, the law controlling this case also provides that in some circumstances employees are entitled to double their back wages. Defendant disputes that any employee is entitled to double his or her back wages.

All disputed issues will be decided by the Court before which this case is pending.

**PROTECTION AGAINST RETALIATION OR FIRING**

If you presently work for Defendant you may have concerns about bringing a claim against your employer, such as losing your job or being treated unfairly in the work place because you joined the lawsuit. The Federal law controlling this case prohibits an employer from discriminating or retaliating against or terminating any employee who chooses to take part in this case because he or she has asserted a claim. The Court has decided that the information you have received in this Notice is sufficient for you to make a decision as to whether you wish to join the case. Neither your employer nor the attorney now representing Plaintiff will be able to give you additional information regarding your decision to join the case. If you do join the case, you will be able to communicate with Mr. John Billhorn, the attorney now representing PLAINTIFF.

**HOW TO FILE THE "NOTICE OF CONSENT" IF YOU  
CHOOSE TO JOIN THIS SUIT**

Enclosed with this Notice is a "**CONSENT FORM**" (the yellow form). This Consent Form must be completed, signed and returned so that it may be filed with the Clerk of Court. The form should be mailed to:

**BAGEL COUNTRY, LLC  
% BILLHORN LAW FIRM  
CLASS ACTION LITIGATION  
515 N. STATE STREET / SUITE 2200  
CHICAGO, IL 60610**

In order for you to become a member of this Class, the enclosed Consent Form must be filed by the Clerk of the Court no later than (*insert date of 30 days from date of mailing*). Any delay or failure to file the Consent form in a timely manner the form could affect your right to join the case.

**THE LEGAL EFFECT OF JOINING OR NOT JOINING IN THIS LAWSUIT**

If you do not sign and return the Consent Form and do not join this lawsuit, you will not receive any back pay even if the Court decides that Defendant owes some employees back wages. Any claim you might have for back wages would then have to be made in a separate timely lawsuit filed on your behalf by an attorney of your choosing.

If you join this lawsuit by filing your Consent, you will be bound by any judgment the Court makes on the issues involved, whether it is favorable or unfavorable to you.

**YOUR OPTION OF LEGAL REPRESENTATION  
IF YOU DECIDE TO JOIN THIS LAWSUIT**

If you decide to join the lawsuit, Plaintiff's present attorney, John W. Billhorn will automatically represent you unless you also decide to select someone else to represent you. Attorney Billhorn is located at **515 N. State Street, Suite 2200, Chicago, Illinois, 60610 / (312) 464-1450**. Attorney Billhorn will provide legal services for you at no cost.

**NO OPINION EXPRESSED REGARDING THE MERITS OF THIS LAWSUIT**

This notice is for the sole purpose of determining the identity of Defendant's past and present employees who wish to be involved in this lawsuit. Although the Court has authorized the sending of this Notice, there is no assurance at this time that any person will be awarded any back wages whatsoever.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JORGE VARGAS on behalf of himself	)	
and all other plaintiffs known and	)	
unknown,	)	No. 08 CV 1331
	)	
Plaintiff	)	Honorable Judge Grady
	)	
v.	)	Magistrate Judge Mason
	)	
BAGEL COUNTRY, LLC	)	
	)	
Defendant	)	

NOTICE OF CONSENT

This Document is to be sent to: BAGEL COUNTRY, LLC  
% BILLHORN LAW FIRM  
CLASS ACTION LITIGATION  
515 N. STATE STREET / SUITE 2200  
CHICAGO, IL 60610

I hereby state that I am now, or within the **three years** preceding have been, a hourly employee of **Bagel Country, LLC**. and have in the past performed work before or after my regularly scheduled shift or during an unpaid meal break or have otherwise been denied one and one-half my regularly hourly rate of compensation for hours worked in excess of forty (40) in a workweek. I therefore believe Defendant may be liable to me for back wages as well as certain other penalties and because of this, I give my consent to be included as a Plaintiff in the lawsuit of *Vargas on behalf of himself and all similarly situated plaintiffs, known and unknown v Bagel Country, LLC* United States District Court, No. 08 CV 1331.

YOUR NAME: \_\_\_\_\_  
(Print)

YOUR ADDRESS: \_\_\_\_\_  
City / Zip Code

TELEPHONE: (\_\_\_\_\_) \_\_\_\_\_  
Area Code

EMAIL ADDRESS: \_\_\_\_\_

DATES EMPLOYED: Month/Year START: \_\_\_\_\_

Month/Year END: \_\_\_\_\_

YOUR SIGNATURE : \_\_\_\_\_ DATE: \_\_\_\_\_